

**RECEIVED
CENTRAL FAX CENTER**FERENCE & ASSOCIATES LLC
Notice of Appeal

MAY 07 2007

Atty. Docket No. YOR9-2000-0138US1
(590.010)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Kienzle et al.
Serial No. : 09/578,675 Examiner : J.Ustaris
Filed : May 25, 2000 Art Unit : 2611
For : CREDIT BASED MEDIA PRESENTATION

**NOTICE OF APPEAL FROM EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Box AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed February 5, 2007, finally rejecting claims 1, 3-4, 6-15, 17-18, and 20-28. A Pre-Appeal Brief Request for Review is being filed with this Notice of Appeal. The fact that May 5, 2007, fell on a Saturday ensures that this paper is timely filed as of today, the following Monday.

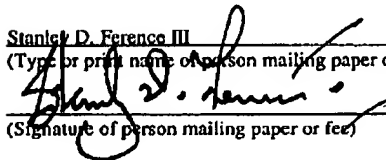
The items checked below are appropriate:

1. Extension of Time
- ☒ No extension of time is needed.
- ☐ Applicant requests an extension of time to respond to the outstanding Office Action. A Petition for an extension of time is enclosed.
- ☐ Applicant has previously requested an extension of time to respond to the outstanding Office Action.
- ☒ In the event that an extension of time is required, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being facsimile transmitted on (571) 273-8300 on May 7, 2007 to the Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Stanley D. Ference III
(Type or print name of person mailing paper or fee)


(Signature of person mailing paper or fee)

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(590.010)

2. Status of Applicant

This application is on behalf of

- ☐ Small entity
☒ Other than a small entity

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3. Fee for Filing Notice of Appeal

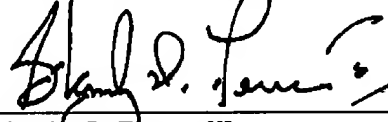
Pursuant to 37 CFR 41.20(b)(1), the fee for this Notice of Appeal is

- ☐ Small entity \$_____
☒ Other than a small entity \$500.00

- ☐ Applicant encloses herewith a check for \$_____ to cover the Appeal fee.
☒ The Commissioner is hereby authorized to charge the \$500.00 Appeal fee required under 37 CFR 1.17(e) to **IBM Corporation Deposit Account No. 50-0510**.
☒ The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to **IBM Corporation Deposit Account No. 50-0510**.

Respectfully submitted,

FERENCE & ASSOCIATES LLC

By 

Stanley D. Ference III
Reg. No. 33,879

Dated: May 7, 2007

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